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| 10/643,863 | 08/20/2003 | Kazumi Koike | 8012-1206 | 5197 |
| 466 | 7590 | 06/03/2005 | EXAMINER | |
| YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202 | | | BLACKMAN, ROCHELLE ANN J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2851 | |

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/643,863 | Applicant(s) KOIKE, KAZUMI | |
| | Examiner Rochelle Blackman | Art Unit 2851 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7, 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 4, 6 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-8, 11, and 12 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "at least one alpha-number character comprises a letter and number that identify a manufacturer of the film" in claim 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 6 is objected to because of the following informalities: the variable "W" in formula " $0.2 < LW < 0.7$ ", has not been defined in the claim or any claim from which it depends. It should be defined in the claim or any claim from which it depends, as the width of the viewfinder as defined in the specification. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norris et al. (U.S. Patent No. 5,453,804) in view of Sanda et al. (U.S. Patent Application Publication No. 2001/0036365).

Norris discloses a lens-fitted photo film unit (see Figs. 1-22) comprising: a taking lens (see 22 of FIG. 2); a plane mirror (see 24 of FIG. 2) for perpendicularly bending a

photographic optical path of subject light passing through said taking lens; and a photo film (see area of 26 in FIG. 2 and see 26 and 46 of FIG. 3) disposed approximately in parallel with an optical axis of said taking lens, said photo film having a base surface and an emulsion surface (although not specifically shown, "photo film" 46 is considered to have a base and emulsion surface), said subject light forming an image (image is formed on film through opening 18 in FIG. 2) on said emulsion surface.

Norris does not appear to disclose "a side print being recorded as a latent image on the edge of said photo film in such a manner as to flip vertically or horizontally in view of the side of said base surface"; "wherein the side print comprises at least one alpha-numeric character"; and "wherein the at least one alpha-numeric character comprises a letter and number that identify a manufacturer of the film."

Sanda teaches providing a side print (see 15a-e of Fig. 3) being recorded as a latent image on the edge of a photo film (see 6 of FIG. 3) in such a manner as to flip vertically or horizontally in view of the side of said base surface; wherein the side print comprises at least one alpha-numeric character (also see 15a-e of FIG. 5); and wherein the at least one alpha-numeric character comprise a letter and number that identify a manufacturer of the film (also see 15a-e of FIG. 3).

It would have been obvious to one of ordinary skill in the art at the time invention was made to provide a "a side print being recorded as a latent image on the edge of said photo film in such a manner as to flip vertically or horizontally in view of the side of said base surface" in the "lens-fitted photo film unit" of the Norris reference, as taught by Sanda for the purpose of facilitating observation of the photographic images and the

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latent image and keep sufficient space for the picture frame (see pg. 2, paragraph [0017], lines 4-14).

2. Claims 2 and 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. over Norris et al. (U.S. Patent No. 5,453,804) in view of Sanda et al. (U.S. Patent Application Publication No. 2001/0036365) as applied to claim 1 above, and further in view of Abe (U.S. Patent No. 6,388,738).

Norris and Sanda disclose the claimed invention except for “wherein said viewfinder comprises: an objective lens element with negative refractive power; a first eyepiece lens element; and a second eyepiece lens element; and wherein said viewfinder satisfies the following formula: $P1 > |P2|$ Wherein P1 is the refractive power of said first eyepiece lens element, and P2 is the refractive power of said second eyepiece lens element”.

Abe teaches providing a viewfinder comprising: an objective lens element with negative refractive power (23); a first eyepiece lens element (25); and a second eyepiece lens element (26); and wherein said viewfinder satisfies the following formula: $P1 > |P2|$ Wherein P1 is the refractive power of said first eyepiece lens element (see 25 – considered to satisfy the “formula” because it is a biconvex lens), and P2 is the refractive power of said second eyepiece lens element (see 26 - also considered to satisfy the “formula” because it is a planoconvex lens).

It would have been obvious to one of ordinary skill in the art at the time invention was made to provide the “viewfinder” of the “lens-fitted photo film unit” of the combined Norris and Sanda reference with a “objective lens element”, “first eyepiece lens

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element", and "second eyepiece lens element" like that of the Abe reference, in order to provide a viewfinder through which a bright and clear field frame image can be viewed and reduce the thickness of the filed frame optical system (see col. 2, line 67 to col. 3, line 6).

3. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norris et al. (U.S. Patent No. 5,453,804) in view of Sanda et al. (U.S. Patent Application Publication No. 2001/0036365) and Abe (U.S. Patent No. 6,388,738) as applied to claim 2 above, and further in view of Tobiyo et al. (JP Patent No. 09-197490).

Norris, Sanda, and Abe disclose the claimed invention except for "a target mark formed in the pupil side surface of said first eyepiece lens element; and a micro lens disposed in the pupil side surface of said second eyepiece lens element; wherein said target mark enlarged by said micro lens appears in the field of view of said viewfinder; wherein said target mark is in a ring-shape form and in approximately the center of the pupil side surface of said second eyepiece lens element".

Tobiyo teaches providing a "target mark" (40a, 60a, 65a, 67a) integrally formed on an eyepiece side of lens 40; and a "micro lens" (41a) integrally formed on the eyepiece side of the eyepiece 41; "wherein said target mark enlarged by said micro lens appears in the field of view of said viewfinder"(see 51, 61, 66, and 68 of Drawings 5, 9, 11, and 13); "wherein said target mark is in a ring-shape form" (see shape of 40a and 60a) and "in approximately the center of the pupil side surface" of lens 40.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form a "target mark" on "pupil side surface" of the "first lens

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element" with a "target mark" and dispose a "micro lens" in the "pupil side surface" of the "second lens element" of the "viewfinder" of the combined Norris, Sanda, and Abe reference, as taught by Tobiyo in order to obtain commendable photographing distance capable of holding an entire image inside a photographing range (see abstract).

Allowable Subject Matter

1. Claims 4 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
2. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to overcome the objections set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
3. The following is a statement of reasons for the indication of allowable subject matter:

Claim 4 has been found to be allowable because the prior art of record either alone or in combination neither discloses nor makes obvious the particular feature, "said viewfinder satisfies the following formula: $W > 26$ Wherein W is the width of said viewfinder" in combination with the particular combination of features recited in claims 1 and 2.

Claim 6, with the assumption that W is the width of the viewfinder as defined in the specification, has been found to be allowable because the prior art of record either alone or in combination neither discloses nor makes obvious the particular feature "said

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viewfinder satisfies the following formula: $0.2 < L/W < 0.7$ wherein L is the length between the pupil side surface of said objective lens element and the objective side surface of said first eyepiece lens element", in combination with the particular combination of features recited in claims 1, 2, and 5.

Claim 8 has been found to be allowable because the prior art of record either alone or in combination neither discloses nor makes obvious the particular feature, "said viewfinder is movable between an unused position and a used position, and when said viewfinder is in said unused position, said viewfinder is disposed at the rear of said flash projector so that the field of view of said viewfinder is obstructed by said flash projector, and when said viewfinder is in said used position, said viewfinder pops up from the rear of said flash projector so that said flash projector retracts from the field of view of said viewfinder" in combination with the particular combination of features recited in claims 1 and 2.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rochelle Blackman whose telephone number is (571) 272-2113. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RB



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SUPERVISORY PATENT EXAMINER